

NO. 83-333

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SUPREME COURT, U.S.

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IN THE  
SUPREME COURT OF THE UNITED STATES  
October Term, 1983

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C.P. CHEMICAL COMPANY, INC., Appellant,  
v.  
COMMISSIONER OF PUBLIC HEALTH, Appellee.

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ON APPEAL FROM THE MASSACHUSETTS SUPREME JUDICIAL COURT

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APPELLANT'S MOTION TO DISPENSE WITH PRINTING

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MOTION TO DISPENSE WITH PRINTING

Appellant C.P. Chemical Co., Inc. ("C.P."), by counsel, respectfully moves this Court for leave to file a partial appendix not in conformity with Rule 33 of the Rules of this Court. C.P. wishes to dispense with the printing of all documents required in the appendix to be filed with its Jurisdictional Statement, except for the opinion of the Supreme Judicial Court and the Notices of Appeal filed with the State Courts, on the grounds that such printing would be excessively expensive and C.P. is not able to bear that expense.

Contemporaneous with the filing of this Motion, C.P. has filed a Jurisdictional Statement appealing a decision by the Massachusetts Supreme Judicial Court. Pursuant to Supreme Court Rule 15(j), the following documents are required in an appendix to that Statement:

- 1) The Summary of the Evidence and Findings and Conclusions Concerning Formaldehyde and UFFI (93 printed pages) of the Massachusetts Commissioner of Public Health;
- 2) The Findings, Rulings and Order (84 printed pages) of the Superior Court for the County of Suffolk, Massachusetts;
- 3) The Opinion (34 printed pages) of the Massachusetts Supreme Judicial Court;
- 4) C.P.'s Petition for Rehearing before the Massachusetts Supreme Judicial Court (8 printed pages);
- 5) The Supreme Judicial Court's Denial of C.P.'s Petition for Rehearing (1 printed page); and
- 6) C.P.'s Notices of Appeal of the Supreme Judicial Court's decision (5 printed pages).

Counsel for C.P. has been advised by Wilson-Epes Printing Co., a reputable printing firm, that the minimum cost for printing these materials (approximately 300 pages) in an appendix, as required by Rules 15(j) and 33, would be \$5300.00, exclusive of costs for printing the text of the Jurisdictional Statement. As a result of the Massachusetts Commissioner of Public Health's action (which is the subject of this appeal), C.P.'s ability to continue doing business has been severely impeded and, in some states like Massachusetts, eliminated. C.P. has consequently suffered a drastic reduction in revenues and is unable to bear the cost of printing a complete appendix.

In lieu of having all the above-listed materials printed, C.P. today has filed a partial appendix with its Jurisdictional Statement. That partial appendix consists of the Supreme Judicial Court's opinion and C.P.'s notices of appeal. C.P. has lodged twelve (12) legible photocopied sets of the remaining documents required to be included in the appendix, as well as other materials related to this action that would have been included in the printed appendix, with the Clerk of this Court. These documents are:

1. Findings, Rulings, & Order of the Superior Court for the County of Suffolk, Massachusetts;
2. The Summary of the Evidence and Findings and Conclusions Concerning Formaldehyde and UFFI of the Massachusetts Commissioner of Public Health;
3. C.P.'s Petition for Rehearing before the Massachusetts Supreme Judicial Court;
4. The Supreme Judicial Court's Denial of C.P.'s Petition for Rehearing;
5. Memorandum to Local Board of Health from David Kinloch, M.D., Deputy Commissioner, Mass. State Dept. of Public Health;

6. Letter to David Kinloch and Lawrence Buxbaum; and

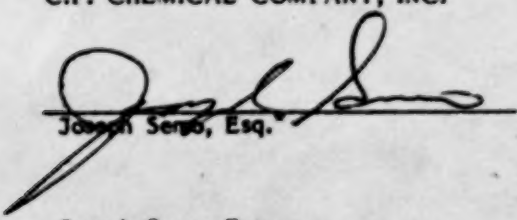
7. Superior Court Trial Exhibit 52.

Those documents are available in the Clerk's office for review by this Court at any time.

WHEREFORE, Appellant C.P. Chemical Co., Inc. respectfully requests the Court to grant its motion to file a partial appendix out of conformity with Rule 33.

Respectfully submitted,

C.P. CHEMICAL COMPANY, INC.



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